

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 16, 2004

CALL TO ORDER/NOTING OF QUORUM

Chairman Herriman called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, Rick Wajda, and Lisa Goldner of Bose McKinney & Evans were present as observers.

DISPOSITION OF MINUTES

Vice Chairperson Glass moved to approve the minutes that were submitted for the March 2, 2004 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairperson Glass moved to approve the PAD forms that were submitted for the March 16, 2004 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Four hundred eighteen (418) renewals approved, forty-six (46) new and/or transfer permits approved, thirteen (13) permits conditionally approved, eleven (11) permits approved for catering, six (6) permits approved for first year escrow, two (2) permits approved for second year escrow, three (3) permits approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR53-13246 ARTEMIS, LLC – Vice Chairperson Glass noted this is a type 210 transfer of location and ownership application with the local board voting two (2) to one (1) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the transfers. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-06542 GAIL GRAY – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL50-20838 WAL-MART STORES EAST, LP – Vice Chairperson Glass noted this is a new type 208 application with the local board voting four (4) to zero (0) to disapprove. The local board stated the community did not desire these services.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR29-19477 THE CITY OF CARMEL REDEVELOPMENT COMMISSION – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting

two (2) to one (1) to approve. The local board member who voted to deny stated that the city should not own a permit.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL73-20615 GMS EXPRESS, LLC - Vice Chairperson Glass noted this is a new type 104 application with the local board voting four (4) to zero (0) to disapprove. The local board stated the applicant did not show for the hearing and does not qualify as a grocery store.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR06-20861 LARRY AVERITT, LLC – Vice Chairperson Glass noted this is a new type 210-1 permit with the local board voting four (4) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make twenty-two (22) permits inactive. One (1) permit is subject to auction and twenty-one (21) permits are not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR49-98485 DAYTONA'S, INC. AND RR45-03648 WILLIAM W. JONES – Hearing Judge Webb stated appeals have been filed for the above applications.

OLD BUSINESS

No Old Business

NEW BUSINESS

ORCHARD IN BLOOM PREVIEW PARTY – The Orchard School would like to serve donated alcoholic beverages at their Orchard in Bloom preview party.

CROSSROADS REHABILITATION CENTER 2004 WINE CORNUCOPIA – Crossroads Rehabilitation Center would like to serve donated alcoholic beverages at their Wine Cornucopia fundraiser.

CROSSROADS REHABILITATION CENTER 2004 WINEMAKER’S DINNER – Crossroads Rehabilitation Center would like to serve donated alcoholic beverages at their Winemaker’s Dinner.

ACTIVE 20/30 CLUB OF FORT WAYNE WINE TASTING – Active 20/30 Club would like to use donated alcoholic beverages for their Wine Tasting Event.

FOOD BANK OF NORTHERN INDIANA “THE TASTE OF MICHIANA” – The Food Bank of Northern Indiana would like to use donated alcoholic beverages for their “The Taste of Michiana” event.

WINES ON THE WABASH – Wabash Center would like to use donated alcoholic beverages for their Wine on the Wabash event.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2004.

BART HERRIMAN, CHAIRMAN

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER